

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK-ALONZO WILLIAMS,
Plaintiff,

v.

MICHAEL D. OVERMYER, et al,
Defendants.

Case No. 1:17-CV-0251

MEMORANDUM ORDER

This civil rights complaint was received by the Clerk of Court on September 18, 2017. This matter was later referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff filed a motion in which he requested “this Court to issue a restraining order against Warden Kauffman in order to compel him to carry-out the OPM authorized/approved transfer referral that will send Plaintiff to another SCI forthwith, and compel him to transmit the reports and data he suppressing [sic] from the PA Department of Pardons and Probation.” ECF No. 199. This is at least the fourth motion for temporary injunctive relief that Plaintiff has filed during the pendency of this action. Warden Kauffman is not a named defendant in this action.

At the same time, Plaintiff filed a motion seeking leave to further amend his complaint. ECF No. 200. Although no amended complaint was attached to the motion, Plaintiff explained that he sought to allege that SCI Huntingdon officials conspired with SCI Forest officials to violate his constitutional rights. Plaintiff has previously sought to amend his original complaint several times. The operative complaint remains the Second Amended Complaint. ECF No. 61.

On April 8, 2020, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that Plaintiff's motion for temporary restraining order be denied as the request for injunctive relief was unrelated to the factual allegations of the underlying complaint. ECF No. 208. Judge Lanzillo also recommended that a motion for leave to further amend the Second Amended Complaint be denied because no proposed amended complaint was attached and because any incidents at SCI Huntingdon had no temporal or substantive connection to the underlying claims in this action.

Petitioner filed Objections to the Report and Recommendation. ECF No. 211. Plaintiff argues that Judge Lanzillo misunderstood his request for injunctive relief. Plaintiff claims that his request for injunctive relief is related to the factual allegations of his underlying complaint because there now is a conspiracy between officials at SCI Forest and officials at SCI Huntingdon (his present place of incarceration) to harm him as evidenced by multiple "vengeful, discriminatory adverse actions" that occurred after January 2020. Plaintiff further argues that he should be allowed to amend his complaint to add unnamed Huntingdon officials.

After the filing of the Report and Recommendation and Objections thereto, Defendants requested that this case be temporarily stayed and administratively closed due to the stay-at-home order issued by Governor Wolf in response to the COVID-19 pandemic. ECF No. 217. Judge Lanzillo granted that motion. On July 13, 2020, the case was re-opened and the stay lifted. ECF No. 229.

After *de novo* review of the motion for temporary restraining order and motion to amend, together with the report and recommendation and objections thereto, the Report and Recommendation will be adopted as the opinion of this Court. Despite Plaintiff's arguments to the contrary, not everything that happens to him after he files a lawsuit is related to the

underlying lawsuit. The operative complaint in this case is the Second Amended Complaint filed March 27, 2018 and is based on events that occurred prior to that date during Plaintiff's incarceration at SCI Forest. Each of the Defendants is or was an employee of SCI Forest during that time. This Court will not allow Plaintiff to supplement his complaint over and over with new allegations that are more appropriately brought as a new action.

The following order is entered:

AND NOW, this 16th day of July 2020;

IT IS ORDERED that the motion for temporary restraining order [ECF No. 199] be DENIED.

IT IS FURTHER ORDERED that Plaintiff's motion to amend [ECF No. 200] be DENIED.

AND FINALLY, IT IS ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on April 8, 2020 [ECF No. 208] is adopted as the opinion of the court.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge